

OFFICIAL GAZETTE



GOVERNMENT OF GOA

Note: There is one Extraordinary issue to the Official Gazette Series I No. 39 dated 29-12-2005, namely: Extraordinary dated 3-1-2006 from pages 885 to 886 regarding Notification from Department of Town and Country Planning.

GOVERNMENT OF GOA

Department of Home

Home—General Division

Notification

9/7/2005-HD(G)/PF

In exercise of the powers conferred by section 36A read with sub-section (1) of section 59 of the Prisons Act, 1894 (IX of 1894), and all other powers enabling it in this behalf, the Government of Goa hereby makes the following rules, namely:—

1. *Short title and commencement.*— (1) These rules may be called the Goa (Prisoner's Victim or his family of offence) Compensation Rules, 2005.

(2) They shall come in to force at once.

2. *Definitions.*— In these rules, unless the context requires otherwise,—

(a) "Act" means the Prisons Act, 1894 (IX of 1894);

(b) "Committee" means the Committee constituted for a jail under the provision of section 36A of the Act for fixing amount of the compensation to the deserving victims from the common fund created for such jail;

(c) "Common Victims Compensation Fund" means the fund created for a jail from the part of

wages earned by prisoners for the purpose of giving compensation to the deserving victims or his family;

(d) "Form" means a form annexed to these rules;

(e) "Government" means the Government of Goa;

(f) "Jail" includes Central jail, District jail, Sub-jail, Special prison and Civil jail;

(g) "Labouring Prisoner" means a prisoner engaged as labour;

(h) "Notification" means a notification published in the Official Gazette;

(i) "Wages" means the amount of the money earned by prisoner in a day in lieu of the task or service assigned to him/her in the jail by the Superintendent of the jail;

(j) Words and expressions used, but not defined in these rules shall have the meaning assigned to them in the Act.

3. *Constitution of Committee and its meeting.*—

(1) The Committee for each Central jail, District jail, Sub-jail, Special prison, Civil prison shall consist of:—

(i) District Magistrate	Chairman
(ii) Superintendent of Police (District)	Member
(iii) Superintendent of Central/ District/Sub-jail/Special prison/Civil jail	Member

Provided that the District Magistrate and Superintendent of Police may nominate their

representative for the Committee of Central jail/District jail/Sub-jail/Special prison/Civil prison. A nominee of the District Magistrate shall be the Chairman.

2. The meeting of the Committee shall be held once in a quarter or at such intervals as decided by the Chairman of the Committee for identification and entitlement of payment of compensation to the victim or in case of death of the deserving victim, to his family members as decided by the Committee.

3. The amount of the compensation shall be fixed by the Committee at its meetings as per instructions issued by the Government in this behalf, from time to time and reasons shall be recorded in writing by the Committee for fixing such compensation and arrange payment of compensation amount to the victim or to his family member, as the case may be. If there are more than one victim or his legal heirs, the Committee shall also determine distribution of compensation amount proportionately amongst the victims or their legal heirs, as the case may be.

4. For determination of deserving victims as provided in section 36A of the Act, the Government shall issue instructions from time to time.

4. Management of wages and common fund.—

(1) Notwithstanding anything contained in rule 45 and rule 46 of the Goa, Daman and Diu Prisons (Facilities to Prisoners) Rules, 1968, all prisoners sentenced to rigorous imprisonment and such other class of prisoners, volunteers to labour, shall be entitled to the wages as notified by the Government by a notification in the Official Gazette, on the basis of recommendation of wage fixation Committee as to be constituted from time to time. The wages shall be paid on the basis of actual work done. Fifty percent of the wages earned by a prisoner in a month shall be deposited in the common victims compensation fund and the remaining fifty per cent amount may be payable to the prisoner subject to deduction of expenses incurred on him towards diet, clothing, bedding, transport and other maintenance items, etc., as decided by the Superintendent.

(2) After considering the volume of work available in the jail for the task or employment provided under the relevant Rules framed under the Act, the Superintendent shall provide employment to the prisoners and the priority for selection of the prisoners shall be in the following order:—

(a) prisoners undergoing Life imprisonment with rigorous imprisonment;

(b) other prisoners undergoing rigorous imprisonment;

(c) prisoners undergoing simple imprisonment and who are willing to work;

(d) in Sub-jails under trial prisoners who are willingly ready to render their services may be employed if the prisoners of above category are not available.

(3) The amount received by the prisoners as wages under these rules shall be distributed in the following manner:—

(i) Fifty per cent of wages earned by the prisoners in a month shall be deposited in the common victims compensation fund in a separate bank account. Any interest credited against the common victim compensation fund shall be apportioned amongst the prisoners proportionately to their respective shares in the fund.

(ii) A common victims compensation fund shall be constituted in every jail in which the wages as mentioned in clause (i) shall be deposited. The fund shall be controlled and operated jointly by the Inspector General and the Superintendent of the Jail.

(iii) The amount of common victims compensation fund shall be deposited in a personal deposit account opened in any Nationalized bank in the name of Inspector General and the Superintendent of the Jail concerned.

(iv) Such amount of compensation from the common victims compensation fund shall be paid once to a deserving victim of the offence

and in the case of the death of the deserving victim, to the family member of the victim as decided by the Committee.

(4) Remaining fifty percent of wages earned by the prisoners shall be managed in the following manner.—

(a) 30 per cent of it shall be deposited in the prisoner's separate Bank account and the entire amount thereof shall be paid to him at the time of his release;

(b) 30 per cent of it shall be paid to the prisoner or his family members to meet legal expenses. Provided that if there is no such necessity then this amount will be deposited in the said separate Bank account of the prisoner.

(c) 40 per cent of it shall be made available to the prisoner as and when required by him for purchasing articles from the prison's canteen or for making purchases from outside the jail through the Jail Superintendent if canteen facilities are not available in the jail premises:

Provided that the Superintendent of Jail shall not permit purchase of any objectionable items and his decision in this behalf shall be final.

(d) The wages of every prisoner shall be deposited in a joint Bank account opened in the name of prisoner concerned and the Superintendent of the Jail. This account may be opened in any Nationalized bank near the jail.

5. *Account.*— (1) The account of common victims compensation fund of a labouring prisoner shall be maintained in Form A appended to these rules.

(2) Record of the current account of common victims compensation fund shall be maintained in a General Ledger-Abstract Register in Form B under the different minor detailed Head. This Ledger shall be maintained in two volumes, one for receipt and other for expenditure and one page allotted to each minor detailed Head.

(3) The amount of remaining fifty percent wages of labouring prisoner shall be maintained month-wise yearly after deducting the amount as specified under sub-rule (4) of rule 4 of these rules.

(4) The account of common fund of each labouring prisoner shall be maintained separately month-wise for each financial year. All the account records shall be preserved for such time as may be prescribed by the Director of Accounts from time to time and no account records shall be destroyed without the written permission from the Director of Accounts.

6. *Payment to victim.*— (1) Every payment charged to the common victims compensation fund shall bear on the bill or voucher an order to pay the amount which shall be expressed both in figures and words and every such order to pay such bills shall be signed by the Inspector General and Superintendent of the said jail after it's approval.

(2) Subject to the provisions of rule 4, no compensation shall be paid from the common victims compensation fund except by way of a cheque signed by the Inspector General and the Superintendent of Jail concerned jointly or in the case of payment made by remittances through Post Office, the postal money order receipt shall be kept with a voucher and expenses incurred towards postal charges/commission thereof shall be borne by the concerned prisoner.

7. *Cash Book.*— All transactions of one day shall be entered in a Cash Book as maintained by the jail on that day and each entry in the Cash Book shall be attested in the appropriate place by the concerned Officer of the Jail as required under the relevant Rules as in force for the time being.

8. Every prisoner shall be entitled to one day weekly off from the work of service as decided by the Superintendent of the Jail. In case of the prisoners employed in the task or the services, the Superintendent of the Jail shall ensure that the management of their employment is made in such manner that they get one weekly off every week.

By order and in the name of the Governor
of Goa.

C. D. Gawade, Under Secretary (Home).

Porvorim, 27th December, 2005.

[See Rule 5(1)]

[illegible]

30% amount towards Bank deposit	30% amount towards Legal expenses if any	Remaining 40% amount towards Disposal of Prisoner for purchase of item, if any	Amount remained undisbursed	Total amount deposited in favour of the Bank month ending	Remarks
14	15	16	17	18	19

FORM B (i)

[See Rule 5(2)]

RECEIPT

PROFORMA FOR GENERAL LEDGER—ABSTRACT REGISTER

ITEM

Date	Short Particulars	Account	C. B. Folio	Progressive	Total	Remark
1	2	3	4	5	6	7

@ According to the classification of Minor items under common victim fund.

PROFORMA FOR GENERAL LEDGER—ABSTRACT REGISTER

EXPENDITURE

GROUP OF ITEM

Month	Short Particulars	Amount	Progressive	Total	Remark
1	2	3	4	5	6

891

SERIES I No. 40

OFFICIAL GAZETTE — GOVT. OF GOA

5TH JANUARY, 2006

Department of Public Health

Notification

13/85/87-II/PHD

Read: (1) Notification No. 71/101/84-I/PHD dated 8th August, 1995 published in Official Gazette (Extraordinary) Series I No. 20, dated 17th August, 1995 regarding levy of fees in Government Hospitals.

(2) Notification No. 13/85/87-II/PHD dated 28-3-2003.

(3) Corrigendum No. 13-85-87-II/PHD dated 4-4-2003.

In Schedule II annexed to the above referred Notification dated 8-8-1995, for existing charges

under item J and K the following charges shall be substituted:—

J. Embalming Charges.— Embalming charges of Rs. 750/- per body will be recovered from the persons requesting embalming and these charges will be same irrespective of categories.

K. Mortuary Charges.— Dead bodies of a private persons, other than those dying in Goa Medical College and its attached hospitals, preserved in cold storage will be charged Rs. 30/- per day and body of a person dying in Goa Medical College and its attached hospitals will be free of charge.

By order and in the name of the Governor of Goa.

S. G. Korgaokar, Under Secretary (Health).

Porvorim, 20th December, 2005.